

**THE EFFECTIVE DATE OF THIS ORDINANCE IS \_\_\_\_\_**

**ORDINANCE NO. \_\_\_\_\_**

**Zoning Text Amendment - ZT-09-03**

**RE: To Amend Certain Sections of the Frederick County Code (Zoning Ordinance) Concerning the Agricultural and Resource Conservation Zoning Districts**

**PREAMBLE**

The Board of County Commissioners of Frederick County, Maryland (the “Board”) recognizes that the current provisions of Chapter 1-19 of the Frederick County Code (the “Zoning Ordinance”) relating to the Agricultural (“A”) and Resource Conservation (“RC”) zoning districts allow for uses and intensity of use that are not consistent with the purpose and intent of these two zoning districts.

The purpose of the RC zoning district is to allow low intensity uses and activities which are compatible with the goal of resource conservation in mountain and rural wooded areas, and cultural, scenic and recreation resource areas. Environmentally sensitive areas within the RC zoning district, including steep slopes, wetlands and the habitats of threatened and endangered species are to be protected from development.

The purpose of the A zoning district is to preserve productive agriculture land and the character and quality of the rural environment and to prevent urbanization where roads and other public facilities are scaled to meet only rural needs.

The Board notes that under the existing use table in the Zoning Ordinance, Frederick County Code (“F.C.C.”) Section 1-19-5.310, a number of uses are permitted in

both the A and RC zoning districts which the Board finds are inconsistent with the purposes for which these zoning districts were created.

The Board further finds that the allowed intensity of some of permitted uses in these zoning districts are inconsistent with the purposes for which these zoning districts were created.

The BOCC determines that it is appropriate and in the best interests of the health, safety and welfare of the citizens of Frederick County to amend the provisions of the Zoning Ordinance relating to the A and RC zoning districts so that the allowed uses and intensity of use more accurately implement the purposes of these zoning districts.

The Board finds that the revisions to the A and RC zoning districts require the addition of new definitions to the Zoning Ordinance and the concomitant deletion of definitions that are no longer applicable.

The Board further finds that, in order to further the purpose and intent of the A and RC zoning districts, it is appropriate to adopt certain new Euclidean and floating zone provisions relating to open space and institutional uses in these zoning districts.

The Board further determines that it is appropriate at this time to update, clarify and bring into compliance with existing law other sections of the Zoning Ordinance.

The Frederick County Planning Commission held a public hearing on May 27, 2009 and recommended approval of the proposed text amendment.

The BOCC held a duly advertised public hearing on June 2, 2009. The public had an opportunity to comment at this public hearing.

NOW THEREFORE, BE IT ENACTED AND ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY, MARYLAND, that the following sections of the FCC be amended as shown on the Attached Exhibit 1: Sections 1-19-3.210; 1-19-4.110; 1-19-4.300; 1-19-4.300.1; 1-19-4.300.2; 1-19-5.210; 1-19-5.300; 1-19-5.310; 1-19-6.100; 1-19-6.220; 1-19-6.320; 1-19-7.510; 1-19-7.600; 1-19-8.200; 1-19-8.205; 1-19-8.205.1; 1-19-8.205.2; 1-19-8.205.3; 1-19-8.220; 1-19-8.230; 1-19-8.240; 1-19-8.250.2; 1-19-8.323; 1-19-8.325; 1-19-8.326; 1-19-8.327; 1-19-8.328; 1-19-8.329; 1-19-8.331; 1-19-8.333; 1-19-8.334; 1-19-8.335; 1-19-8.336; 1-19-8.337; 1-19-8.338; 1-19-8.340; 1-19-8.341; 1-19-8.343; 1-19-8.344; 1-19-8.346; 1-19-8.347; 1-19-8.349; 1-19-8.350; 1-19-8.351; 1-19-8.354; 1-19-8.355; 1-19-8.356; 1-19-8.410; 1-19-10.700.2 and 1-19-11.100.

AND BE IT FURTHER ENACTED AND ORDAINED that new Sections 1-19-5.260; 1-19-5.270; 1-19-8.211; 1-19-8.230.1; 1-19-8.230.2; 1-19-8.480; 1-19-8.490; 1-19-10.900; and 1-19-10.1000 are enacted and added to the F.C.C. as shown on the attached Exhibit 1.

AND BE IT FURTHER ENACTED AND ORDAINED that properties that have received either final site development plan approval or final approval of a special exception from the Board of Appeals prior to the effective date of this Ordinance may proceed under the provisions of the zoning law in effect on the date of the approval, so long as the approval (or any permitted renewal thereof) remains valid.

AND BE IT FURTHER ENACTED AND ORDAINED that except as expressly modified by this Ordinance, the remaining provisions of F.C.C. Chapter 1-19 remain in full force and effect.

AND BE IT FURTHER ENACTED AND ORDAINED that this Ordinance shall take effect on the \_\_\_\_ day of \_\_\_\_\_, 2009.

The undersigned hereby certifies that this Ordinance was approved and adopted by the Board of County Commissioners on the \_\_\_\_ day of \_\_\_\_\_, 2009.

ATTEST:

BOARD OF COUNTY COMMISSIONERS  
OF FREDERICK COUNTY, MARYLAND

\_\_\_\_\_  
Ronald A. Hart  
County Manager

By:\_\_\_\_\_  
Jan H. Gardner  
President